

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**BILLIE FAYE KEYES, JOSHUA ALLEN,  
COURTNEY RENA FORTUNE, KARLI FORD  
MATTHEWS AND SHELTON S. MATTHEWS**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 3:16cv228-CWR-LRA**

**PHILIP GUNN, ET AL**

**DEFENDANTS**

---

**PLAINTIFFS' RESPONSE TO DEFENDANTS'  
MOTION TO DISMISS FOR FAILURE TO STATE  
A CLAIM ON THE BASIS OF IMMUNITY(DKT # 6)**

---

Come now Plaintiffs in the above styled and numbered cause and respond to the Defendants' Motion to Dismiss for Failure to State a Claim on the Basis of Immunity (Dkt # 6), oppose that motion, and would show unto the Court as follows:

1. The United States Supreme Court did not allow the Georgia House of Representatives to refuse to seat Julian Bond because of exercise of his First Amendment right to free speech. *Bond v. Floyd*, 385 U. S. 116, 137 (1966). The Mississippi House of Representatives does not have legislative immunity to violate Plaintiffs' constitutional right to vote. Federal courts are not impotent to act in the face of violation of federal constitutional rights under the Supremacy Clause. The Mississippi House of Representatives, its Speaker and the four members of its Special Committee are not cloaked with immunity to violate the federal constitution.

2. For the reasons set forth in Plaintiffs' Combined Memorandum in Response to Defendants' Motions to Dismiss, the Defendants are not entitled to claim legislative immunity for the actions complained of in Plaintiffs' Complaint. See Memorandum, Section IV, Legislative Immunity.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court dismiss Defendants Motion to Dismiss for Failure to State a Claim on the Basis of Immunity.

DATED: June 27, 2016.

Respectfully submitted,

BILLIE FAYE KEYES, JOSHUA ALLEN,  
COURTNEY RENA FORTUNE, KARLI FORD  
MATTHEWS AND SHELTON S. MATTHEWS

BY: /s/ John G. Corlew  
JOHN G. CORLEW

John G. Corlew (MSB # 6526)  
CORLEW MUNFORD & SMITH PLLC  
4450 Old Canton Road; Suite 111 (39211)  
Post Office Box 16807  
Jackson, MS 39236-6807  
Telephone: 601-366-1106  
Facsimile: 601-366-1052  
[jcorlew@cmslawyers.com](mailto:jcorlew@cmslawyers.com)

William R Ruffin  
Attorney at Law  
12 N Third St Bay Springs, MS (39422-9798)  
Post Office Box 565  
Bay Springs, MS 39422-0565  
Telephone: 601-764-4555  
Facsimile: 601-764-2234  
[attywrr@bayspringstel.net](mailto:attywrr@bayspringstel.net)

**CERTIFICATE OF SERVICE**

I, John G. Corlew, hereby certify that I electronically filed the foregoing with the Clerk of Court using the ECF system which will automatically send email notification of such filing to the following:

Michael B. Wallace  
[mbw@wisecarter.com](mailto:mbw@wisecarter.com)

DATED: June 27, 2016.

/s/ John G. Corlew

JOHN G. CORLEW